

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAESAR RAMIREZ,  
Plaintiff,

v.

JUANNA GREHEADA HERNANDEZ,  
Defendant.

Case No. [23-cv-02299-JD](#)

**ORDER RE DISMISSAL**

Plaintiff, a state prisoner, filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis.

**DISCUSSION**

**STANDARD OF REVIEW**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. . . . Factual allegations must be enough to raise a right to relief above

1 the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations  
2 omitted). A complaint must proffer “enough facts to state a claim to relief that is plausible on its  
3 face.” *Id.* at 570. The United States Supreme Court has explained the “plausible on its face”  
4 standard of *Twombly*: “While legal conclusions can provide the framework of a complaint, they  
5 must be supported by factual allegations. When there are well-pleaded factual allegations, a court  
6 should assume their veracity and then determine whether they plausibly give rise to an entitlement  
7 to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

### 8 **LEGAL CLAIMS**

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) a right secured by  
10 the Constitution or laws of the United States was violated, and (2) the alleged deprivation was  
11 committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

12 Plaintiff asks that the state prosecute a private citizen, namely an individual said to have  
13 killed his mother. Plaintiff adds that the individual is a cannibal.

14 These allegations are patently inactionable and fail to state a claim under 42 U.S.C. § 1983.  
15 Because no amount of amendment would cure the deficiencies in this complaint, leave to amend is  
16 denied.

### 17 **CONCLUSION**

18 The complaint is dismissed with prejudice. The Clerk is requested to close this case.

19 **IT IS SO ORDERED.**

20 Dated: July 17, 2023

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24 JAMES DONATO  
25 United States District Judge  
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